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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON AT YAKIMA

DEMETRIOS VORGIAS,

Plaintiff,

vs.

COMMUNITY HEALTH OF  
CENTRAL WASHINGTON,

Defendant.

NO. 1:21-cv-03013-SAB

DEFENDANT'S [PROPOSED]  
SPECIAL VERDICT FORM

We, the jury, answer the questions submitted by the Court as follows:

**A. WASHINGTON LAW AGAINST DISCRIMINATION (WLAD)**

**QUESTION 1: WLAD Disability Discrimination.** Did Plaintiff prove by a preponderance of the evidence that he had a qualifying disability?

ANSWER: [ ] Yes [ ] No

*If the answer to Question 1 is Yes, proceed to Question 2.*

*If the answer is No, skip directly to Question 20 in Section E.*

1 QUESTION 2: **WLAD Disability Discrimination.** Did Plaintiff prove by a  
2 preponderance of the evidence that he was able to perform the  
3 essential functions of a first year resident during his  
4 employment?

5 ANSWER: [ ] Yes [ ] No

6 *If the answer to Question 2 is Yes, proceed to Question 3.*  
7 *If the answer is No, skip directly to Question 20 in Section E.*

8 QUESTION 3: **WLAD Disability Discrimination.** Did Plaintiff prove by a  
9 preponderance of the evidence that he gave Defendant  
10 adequate notice of a disability during his employment?

11 ANSWER: [ ] Yes [ ] No

12 *If the answer to Question 3 is Yes, proceed to Question 4.*  
13 *If the answer is No, skip directly to Question 20 in Section E.*

14 QUESTION 4: **WLAD Disability Discrimination.** Did Plaintiff prove by a  
15 preponderance of the evidence that Plaintiff's disability was a  
16 substantial factor in Defendant's decision to discharge him?

17 ANSWER: [ ] Yes [ ] No

18 *Proceed to Question 5.*

19 QUESTION 5: **WLAD Reasonable Accommodation.** Did Plaintiff prove by  
20 a preponderance of the evidence that a reasonable  
21 accommodation was available that would have enabled him to  
22 perform the essential functions of a first year medical resident?

ANSWER: [ ] Yes [ ] No

*If the answer to Question 5 is Yes, proceed to Question 6.*  
*If the answer is No, skip directly to Question 9 in Section B.*

1 QUESTION 6: **WLAD Reasonable Accommodation.** Did Plaintiff prove by  
2 a preponderance of the evidence that Defendant failed to  
provide a reasonable accommodation for Plaintiff's disability?

3 ANSWER: [ ] Yes [ ] No

4 *If the answer to Question 6 is Yes, proceed to Question 7.*  
5 *If the answer is No, skip directly to Question 9 in Section B.*

6 QUESTION 7: **WLAD Reasonable Accommodation.** Did Plaintiff prove by  
7 a preponderance of the evidence that Defendant's failure to  
provide a reasonable accommodation was a substantial factor  
in causing harm to Plaintiff?

8 ANSWER: [ ] Yes [ ] No

9 *If the answer to Question 7 is Yes, proceed to Question 8.*  
10 *If the answer is No, skip directly to Question 9 in Section B.*

11 QUESTION 8: **WLAD Reasonable Accommodation.** Did Plaintiff prove by  
12 a preponderance of the evidence that accommodating Plaintiff  
would have caused Defendant undue hardship?

13 ANSWER: [ ] Yes [ ] No

14 *Proceed to Question 9 in Section B.*

15 **B. AMERICANS WITH DISABILITIES ACT**

16 QUESTION 9: **ADA Disability Discrimination.** Did Plaintiff prove by a  
17 preponderance of the evidence that he suffered from a  
disability that substantially limited one or more major life  
activities at the time of his discharge?

18 ANSWER: [ ] Yes [ ] No

19 *If the answer to Question 9 is Yes, proceed to Question 10.*  
20 *If the answer is No, skip directly to Section E.*

1 QUESTION 10: **ADA Disability Discrimination.** Did Plaintiff prove by a  
2 preponderance of the evidence that he was a qualified  
individual at the time of his discharge?

3 ANSWER: ☐ Yes ☐ No

4 *If the answer to Question 10 is Yes, proceed to Question 11.*  
5 *If the answer is No, skip directly to Questions 20 in Section E.*

6 QUESTION 11: **ADA Disability Discrimination.** Did Plaintiff prove by a  
preponderance of the evidence that he gave Defendant notice  
7 of his disability before he was discharged?

8 ANSWER: ☐ Yes ☐ No

9 *If the answer to Question 11 is Yes, proceed to Question 12.*  
*If the answer is No, skip directly to Question 20 in Section E.*

10 QUESTION 12: **ADA Disability Discrimination.** Did Plaintiff prove by a  
preponderance of the evidence that, but for his disability, he  
11 would not have been discharged?

12 ANSWER: ☐ Yes ☐ No

13 *Proceed to Question 13.*

14 QUESTION 13: **ADA Reasonable Accommodation.** Did Plaintiff prove by  
a preponderance of the evidence that he gave Defendant  
15 adequate notice of his disability and desire for a reasonable  
accommodation?

16 ANSWER: ☐ Yes ☐ No

17 *If the answer to Question 13 is Yes, proceed to Question 14.*  
18 *If the answer is No, skip directly to Question 20 in Section E.*

1 QUESTION 14: **ADA Reasonable Accommodation.** Did Plaintiff prove by a  
2 preponderance of the evidence that a reasonable  
3 accommodation was available that would have enabled the  
plaintiff to perform the essential functions of a first year  
medical resident?

4 ANSWER: [ ] Yes [ ] No

5 *If the answer to Question 14 is Yes, proceed to Question 15.*  
6 *If the answer is No, skip directly to Question 20 in Section E.*

7 QUESTION 15: **ADA Reasonable Accommodation.** Did Defendant prove  
8 by a preponderance of the evidence that the accommodation  
would have imposed an undue hardship on the operation of  
its business?

9 ANSWER: [ ] Yes [ ] No

10 *If the answer to Question 15 is Yes, proceed to Question 16.*  
11 *If the answer is No, skip directly to Question 20 in Section E.*

12 QUESTION 16: **ADA Reasonable Accommodation.** Did Defendant prove  
13 by a preponderance of the evidence that Plaintiff's continued  
employment as a medical resident posed a significant risk of  
14 substantial harm to the health and safety of himself or others?

15 ANSWER: [ ] Yes [ ] No

16 *If the answer to Question 16 is Yes, skip directly to Question*  
17 *20 in Section E.*  
18 *If the answer is No, proceed to Question 17 in Section C.*

1 **C. PROXIMATE CAUSE**

2 QUESTION 17: **Proximate Cause.** Did Plaintiff prove by a preponderance of  
3 the evidence that unlawful discrimination by Defendant  
proximately caused his claimed damages?

4 ANSWER: [ ] Yes [ ] No

5 *If the answer to Question 17 is Yes, proceed to Section D.*  
6 *If the answer is No, skip directly to Section E.*

7 **D. DAMAGES – ADA/WLAD**

8 QUESTION 18: **Damages Amount - ADA/WLAD.** What do you find to be  
9 the amount of damages sustained by Plaintiff, if any?

10 Past Economic Damages: \$ \_\_\_\_\_

11 Future Economic Damages: \$ \_\_\_\_\_

12 Non-Economic Damages: \$ \_\_\_\_\_

13 *Proceed to Question 19.*

14 QUESTION 19: **Mitigation.** Did Defendant prove that Plaintiff failed to  
15 mitigate his claimed damages, or that his claimed damages  
should be reduced by any amount earned in mitigation?

16 ANSWER: [ ] Yes [ ] No

17 If you answered “yes,” by what amount is Plaintiff’s amount  
of damages to be reduced for failure to mitigate damages?

18 \$ \_\_\_\_\_

1 *Proceed to Question 20 if and only if **ALL** of the following*  
2 *three conditions are met:*

- 3 1. *You answered Yes to both Questions 9 and 10;*  
4 2. *You answered either: Yes to both Questions 11 and 12*  
5 *or Yes to both Questions 13 and 14; and*  
6 3. *You answered No to both Questions 15 and 16.*

7 *If any of these three conditions is unmet, do not answer*  
8 *Question 20 and skip directly to Section E.*

9 QUESTION 20: **Punitive Damages - ADA only.** Did Plaintiff prove by a  
10 preponderance of the evidence that Defendant acted  
11 maliciously, oppressively, or in reckless disregard of  
12 plaintiff's rights when it discharged plaintiff?

13 ANSWER: [ ] Yes [ ] No

14 If you answered no to Question 20, then proceed to Question  
15 20 in Section E. If you answered "yes," what do you find  
16 to be the amount of punitive damages?

17 Punitive Damages: \$ \_\_\_\_\_

18 *Proceed to Question 20 in Section E.*

19 **E. BREACH OF CONTRACT**

20 QUESTION 20: **Breach of Contract.** Has Plaintiff proved by a preponderance  
21 of the evidence that Plaintiff entered into a contract with  
22 Defendant?

ANSWER: [ ] Yes [ ] No

*If the answer to Question 20 is Yes, proceed to Question 21.*  
*If the answer is No, answer no further questions, sign this*  
*verdict form, and notify the bailiff.*

1 QUESTION 21: **Breach of Contract.** Has Plaintiff proved by a preponderance  
2 of the evidence that Defendant promised to employ him  
beyond June 24, 2019?

3 ANSWER: [ ] Yes [ ] No

4 *Proceed to Question 22.*

5 QUESTION 22: **Breach of Contract.** Has Plaintiff proved by a preponderance  
6 of the evidence that Defendant materially breached its contract  
with Plaintiff?

7 ANSWER: [ ] Yes [ ] No

8 *If the answer to Question 22 is Yes, proceed to Question 23.*  
9 *If the answer is No, answer no further questions, sign this  
verdict form, and notify the bailiff.*

10 QUESTION 23: **Breach of Contract - Proximate Cause.** Did Plaintiff prove  
11 by a preponderance of the evidence that Plaintiff was damaged  
as a result of Defendant's material breach?

12 ANSWER: [ ] Yes [ ] No

13 *If the answer to Question 23 is Yes, proceed to Question 24.*  
14 *If the answer is No, answer no further questions, sign this  
verdict form, and notify the bailiff.*

15 QUESTION 24: **Damages Amount – Breach of Contract.** What is the amount  
16 of actual economic damages that Plaintiff incurred as a result  
of result of Defendant's material breach?

17 ANSWER: \$ \_\_\_\_\_

18 *Please sign this verdict form and notify the bailiff.*



1 SIGNED and DATED this \_ day of September 2022.

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PRESIDING JUROR  
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1 Dated this 24<sup>th</sup> day of August, 2022

2 FISHER & PHILLIPS LLP

3 s/ Catharine M. Morisset

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**CERTIFICATE OF SERVICE**

I hereby certify that on the date below written, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and caused to be served a true and correct copy of same by the method indicated below and addressed as follows:

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*Attorneys for Plaintiff*

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed August 24, 2022, at Portland, Oregon.



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Alison Roblin